



CITY COUNCIL AGENDA

OCTOBER 17, 2000

SYNOPSIS

LINDA J. LE ZOTTE
CHARLOTTE POWERS
CINDY CHAVEZ
VACANT
MANNY DIAZ

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

FRANK FISCALINI
GEORGE SHIRAKAWA, JR.
ALICE WOODY
JOHN DIQUISTO
PAT DANDO

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

1 CALL TO ORDER AND ROLL CALL

**9:30 a.m. - Closed Session, Room 600, City Hall
Cancelled.**

**1:38 p.m. - Regular Session, Council Chambers, City Hall
Absent: Fiscalini (excused)
Vacant: District 4**

**7:05 p.m. - Public Hearings, Council Chambers, City Hall
Absent: Diaz, Fiscalini, Powers (all excused)
Vacant: District 4**

2 INVOCATION

**Pastor Carl Overbeek, Church of the Chimes, delivered the invocation.
(District 9)**

3 PLEDGE OF ALLEGIANCE

Mayor Gonzales led in the Pledge of Allegiance.

4 ORDERS OF THE DAY

Approved.

5 CEREMONIAL ITEMS

- a. Presentation of a commendation to Southwest Airlines for their support of youth and literacy programs in the City of San José and award of the Summer Reading Club's grand prize ticket to the winners Bronte Hendron and her parents, Mike and Julia Hendron. (Library)

Joining Mayor Gonzales at the Podium, Assistant City Librarian Paul Underwood spoke briefly about the role that San José Public Library Partners in Reading play in community literacy. He stated more than 20,000 youth participated in this year's reading program, and among the finishers was Bronte Hendron - this year's winner. He introduced Southwest Airlines Representative Kim Delevett who expressed the Airlines' general support for community programs involving youth and literacy, presented the Summer Reading Club grand prize to 1½-year-old Bronte, and commended her parents, Mike and Julia Hendron, for giving their child the all-important early exposure to literature. Mayor Gonzales stressed the importance of widespread community literacy, the essential role of library programs to meet the goal, and the role of community partnerships in those programs. He presented the commendation to the honorees and, on behalf of the City Council and the citizens of City of San José, expressed appreciation to Southwest Airlines for their generous support for literacy in the community.

- b. Presentation of the Community Beautification Awards. (Parks, Recreation and Neighborhood Services)

This Item Heard in the Evening.

Joining Mayor Gonzales at the Podium, Council Member Chavez introduced the Chair of the Community Beautification Awards Committee, Rebecca Elliot who gave background information of the awards and announced the winners for the Fall 2000 Community Beautification Award cycle in each of the following categories: *Nominate Your Neighbor*: 3rd Place – Richard Melendez, District 4; 2nd Place – Frank Watanabe, District 10; and 1st Place – Jack & Sandy Woodward, District 7. *Landscape Improvement*: 3rd Place – Helen & Ted Johnson, District 5; 2nd Place – Guy Canha, District 10; and 1st Place – Linda Buis, District 3. *Structural Improvement*: 2nd Place- Cornel & Amy Walewski, District 6; and 1st Place – Don Ho, District 3. *Historic Structure Improvement*: 3rd Place – Mary Tucker, District 3; 2nd Place – Mike Tutor, District 3; and 1st Place – Mark & Laurie Woodward, District 6. Mayor Gonzales presented the awards to the winners and congratulated the participants on their contributions to the San José community-at-large.

6 CONSENT CALENDAR

a. Minutes for Approval

- (1) Regular Meeting of August 22, 2000
Approved.
- (2) Adjourned Regular Meeting of August 22, 2000
Approved.
- (3) Adjourned Regular Meeting of August 26, 2000
Approved.

b. Ordinances for Final Adoption

- (1) ORD. NO. 26211 – Rezones certain real property situated at the northwest corner of Stockton Avenue and The Alameda.
C 00-05-044
Ordinance No. 26211 adopted.
- (2) ORD. NO. 26212 – Rezones certain real property situated on the north side of Curtner Avenue approximately 210 feet west of Celestine Avenue.
PDC 00-07-060
Ordinance No. 26212 adopted.

c. Public Hearings Set by Council

- (1) Adoption of a resolution initiating proceedings and setting a date for Council consideration of the reorganization of territory designated as Buena Vista No. 1 which involves the annexation to the City of San José of 38.0 acres of land, bounded by West San Carlos Avenue, Scott Street, Chiechi Avenue, Meridian Avenue, and both sides of Buena Vista Avenue, and the detachment of the same from the Sunol Sanitary District, Burbank Sanitary District, County Lighting District, and Central Fire District. CEQA: Resolution No. 65459.
(Planning, Building and Code Enforcement)
[Deferred from 8/3/99 – Item 6c(1) et al., and 08/15/00 – Item 6c(1)]
Deferred to 10/31/00.

6 CONSENT CALENDAR

d. Plans and Specifications

- (1) TRACT NO. 9274 - North side of Story Road, 725 feet easterly of Meadow Lane - Pfeiffer Ranch Investors, Inc. (Developer) - 15 single family detached residential units. Approval of a parkland agreement and adoption of resolutions approving the plans, final map, and contract for Tract No. 9274. CEQA: ND. District 5. (Public Works)

Parkland Agreement Approved.

Resolution Nos. 69933-69935 adopted.

- (2) TRACT NO. 9293 - Southeast corner of N. First Street and Grand Blvd. - Blackwell Village, LLC, A Delaware Limited Liability Company (Developer) - 59 single family detached residential units. Approval of a parkland agreement and adoption of resolutions approving the plans, final map, contract, and water main extension for Tract No. 9293. CEQA: ND. District 4. (Public Works)

Parkland Agreement Approved.

Resolution No. 69936-69939 adopted.

e. Contracts/Agreements

- (1) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2000-2001 #13, and authorization for the Director of General Services to execute the purchase orders. (General Services)

Approved.

- (2) Approval of award of the purchase of spare parts for ABB Variable Frequency Drives to ABB Automation, Inc., as a sole source purchase, for the total cost of \$105,002.50, including tax, and authorization for the Director of General Services to execute the purchase order. (General Services)

Approved.

- (3) Report on bids and award of the purchase of one (1) 750-kilowatt stationary generator, for the Department of Environmental Services, to the lowest responsive bidder, Cummins West, in the amount of \$171,038.86, including tax and delivery, and authorization for the Director of General Services to execute the purchase order for the:

- (a) Immediate purchase of one (1) unit.
(b) Subsequent purchase of additional units at the same bid price, for one (1) year, without further Council action other than the appropriation of necessary funds.

(General Services)

Approved.

6 CONSENT CALENDAR

e. Contracts/Agreements

- (4) Report on bids and award of the purchase of two (2) 11,000-pound trucks with flatbed type bodies, for the Department of Streets and Traffic, to the low bidder, Carl Chevrolet, at a total cost of \$86,234.89, including tax, and authorization for the Director of General Services to execute the purchase order for the:
 - (a) Immediate purchase of two (2) units.
 - (b) Subsequent purchase of additional units at the same bid price, for one (1) year, without further Council action other than the appropriation of necessary funds.(General Services)
Approved.

- (5) Report on bids and award the purchase of five (5) 11,000-pound cabs and chassis with leaf holding type bodies, for the Department of General Services' Park Maintenance Division, to the low bidder, Melrose Ford, at a total cost of \$214,816.96, including tax, and authorization for the Director of General Services to execute the purchase order for the:
 - (a) Immediate purchase of five (5) units.
 - (b) Subsequent purchase of additional units at the same bid price, for one (1) year, without further Council action other than the appropriation of necessary funds.(General Services)
Approved.

- (6) Approval of a grant award agreement with the Police Amateur Athletic Foundation (PAAF) to assist with expenses associated with hosting the 2001 California Police and Fire Summer Games in the amount of \$125,000 and for the period July 1, 2000 to October 31, 2001. (Police)
Approved.

- (7) Report on bids and award of contract for the Alum Rock Park Youth Lot Renovation Project to the low bidder, Robert A. Bothman, Inc., in the amount of \$236,230, and approval of a contingency in the amount of \$12,000. CEQA: Exempt. (Public Works)
Approved.

f. Routine Legislation

- (1) Adoption of a resolution approving a Memorandum of Agreement with the San José Police Officers' Association (SJPOA), subject to ratification by the SJPOA membership. (City Manager's Office)
Resolution No. 69940 adopted.

7 COMMISSION, COMMITTEE, AND STANDING REPORTS

a. Report of the Study Session

Mayor Gonzales, Chair

No Report.

b. Report of the Rules Committee – October 4, 2000

Vice Mayor Fiscalini, Chair

- (1) Review October 17, 2000 Draft Agenda
The Committee approved the October 17, 2000 City Council Agenda.
- (2) Add New Items to October 10, 2000 Amended Agenda
The Committee recommended three additions to the October 10, 2000 City Council Agenda.
- (3) Meeting Schedules
None Presented.
- (4) The Public Record
The Committee noted and filed the Public Record for the period September 20-26, 2000.
- (5) Approve City positions on November 2000 Ballot Propositions
This Item Heard by Council on 10/10/00.
- (6) 2000 National League of Cities Voting Delegate and Alternates at the Annual Business Meeting
This Item Heard by Council on 10/10/00.
- (7) Direct the City Auditor to conduct a Financial Audit of the State and Local Transportation Partnership Program
This Item Heard by Council on 10/10/00.
- (8) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
None Presented.
- (9) Oral communications
None Presented.
- (10) Adjournment
The meeting was adjourned at 2:20 p.m.

The Rules Committee Report and actions of October 4, 2000 accepted.

7 COMMISSION, COMMITTEE, AND STANDING REPORTS

**c. Report of the Finance and Technology Committee – October 11, 2000 (Partial)
Council Member Woody, Chair**

(2) Annual Debt Report

The Committee recommended approval of the staff report with the recommendation to forward the Great Oaks-Route 85 CFD and the North Coyote Project (Cisco) land use issues to Council for consideration on October 24, 2000 and the financing mechanisms to be brought back to the Finance and Technology Committee prior to Council consideration; additionally, Staff was directed to submit status reports on the Finance Department Staffing Strategy and the Convention Center Expansion – both to be brought to Council at a future date.

The Finance and Technology Committee Report (Partial) and actions accepted with Staff directed to respond to Council Member's concerns on the process, and that the financing mechanisms to be presented to Council on October 24, 2000 prior to the public hearing.

**d. Report of the Economic and Community Development Committee – October 2, 2000
Council Member Diaz, Chair**

**(1) Continue Discussion on the Remaining Proposed Revisions to the Sign Ordinance
The Committee deferred this item to the November 6, 2000 Economic and Community Development Committee meeting in order to allow Staff additional time to respond to each of the recommendations that apply to the Sign Ordinance.**

**(2) Presentation of Activities and Semi-Annual Report
The Committee recommended acceptance of the report and directed Staff to provide regular status reports on the WIA Program.**

**(3) Annual Report of Activities of the San José First Employment Program
The Committee recommended acceptance of the report.**

**(4) Receipt of and Presentation of "Silicon Valley Housing Leadership Council: Towards More Affordable Homes: Streamlining the Entitlement Process in Silicon Valley"
The Committee recommended acceptance of the report and referred it for further review to the Mayor's Advisory Task Force.**

**(5) Update on Traffic Issues in Edenvale Area
The Committee recommended acceptance of the update.**

**(6) Oral Petitions
Phyllis Ward, Affordable Housing Network, asked about the report on Secondary Housing Units and the date the Committee would discuss the report. Staff directed to meet with Phyllis Ward and answer her questions.**

7 COMMISSION, COMMITTEE, AND STANDING REPORTS

**d. Report of the Economic and Community Development Committee – October 2, 2000
Council Member Diaz, Chair – (Cont'd.)**

(7) Adjournment

The meeting was adjourned at 3:20 p.m.

**The Economic and Community Development Committee Report and actions of
October 2, 2000 accepted.**

**e. Report of the Transportation and Environment Committee
Council Member Powers, Chair
No Report.**

**f. Report of the Education, Neighborhoods, Youth, and Seniors Committee
Council Member Shirakawa, Jr., Chair
No Report.**

8 LAND USE AND DEVELOPMENT

9 GENERAL GOVERNMENT

- a. (1) Approval of an ordinance amending Chapter 9.10 of the San José Municipal Code to establish the Construction and Demolition Diversion Deposit Program for specified Construction & Demolition Project categories.

- (2) Adoption of a resolution establishing the deposit rates for the Construction and Demolition Diversion Deposit Program.

CEQA: Resolution No. 65459. (Environmental Services)

(Deferred from 9/26/00 – Item 9c)

Deferred to 10/24/00.

- b. (1) Acceptance of the 1999-2000 City Manager's Annual Report of the Finances and Administrative Activities of the City of San José, pursuant to City Charter Section 701(f).

City Manager's Annual Report Accepted.

This item continued on the next page.

9 GENERAL GOVERNMENT

- b. (2) Adoption of appropriation ordinance and funding sources resolution amendments in various operating funds to implement 1999-2000 Annual Report recommendations, provide for appropriate clean-up actions, and allocate additional funding of \$4.1 million made available from the State (\$3.2 million) and disaster relief funding (\$.9 million).

Ordinance No. 26213 adopted.

Resolution No. 69941 adopted.

- (3) Adoption of appropriation ordinance and funding sources resolution amendments in various capital funds to implement the approved expenditures and to provide for appropriate budgetary clean up actions.

(City Manager's Office)

Ordinance No. 26214 adopted.

Resolution No. 69942 adopted.

Council directed the Administration to investigate and arrange funding to correct the drainage problems at Lake Cunningham adjacent to White Road construction site.

- c. Adoption of appropriation ordinance amendments in the low and moderate income Housing fund to increase the amount of funds authorized for the Teacher Homebuyer Program, from \$2 million to \$4 million. (Housing/City Manager's Office)

Ordinance No. 26215 adopted.

- d. Adoption of a resolution modifying the Teacher Homebuyer Program, as adopted by the City Council Resolution No. 69485 on April 4, 2000, as follows:

- (1) Require repayment of a City Teacher Homebuyer Loan, when required as a condition of the State of California's Extra Credit Teacher Home Purchase Program, if a teacher does not serve a minimum of five years in a Low Performing School.

(Housing)

Resolution No. 69943 adopted.

- e. Approval of a consultant agreement with Kimley-Horn and Associates, Inc. for design services for the Runway 30L Reconstruction Project at the San José International Airport in an amount not to exceed \$3,000,000, for the period October 1, 2000 to December 31, 2001. CEQA: Resolution No. 67380. (Public Works/Airport)

Approved.

- f. Approval of a modification of the CDBG Subordination Policy to allow subordination of a CDBG lien to another lender if specified conditions are met.

(Parks, Recreation and Neighborhood Services)

(Orders of the Day 4a)

Approved with direction to Staff to work with InnVision on ADA accessibility to their current site.

10 FISCAL AFFAIRS

11 JOINT CITY COUNCIL/REDEVELOPMENT AGENCY ITEMS

12 PERMITS AND LICENSES

13 PUBLIC SAFETY AND WELFARE

14 ORAL COMMUNICATIONS

Ross Signorino commended Council Member Woody on the success of the *City's Annual Public and Elected Officials Walk to End Domestic Violence*, and expressed appreciation to the POA for the excellent reception following the walk.

Following Oral Communications, Council recessed at 2:28 p.m. and reconvened at 7:05 p.m., Council Chambers, City Hall.

**SAN JOSÉ CITY COUNCIL
OCTOBER 17, 2000
7:00 P.M.**

15 PUBLIC HEARINGS

- a. PUBLIC HEARING and approval of an ordinance to consider a comprehensive rewrite and update of Title 20, the Zoning Code. (Planning, Building, and Code Enforcement)
Continued to 11/14/00.

- b. PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the south side of Payne Avenue between Essex Way and Lexington Drive, from R-4 Residence Zoning District to A(PD) Planned Development Zoning District, to allow up to 16 single-family attached residences on a 0.98 gross acre site. (Pfeiffer Ranch Investors, Inc. and Madeline Mestice, Owners; Pinn Brothers Fine Homes, Developer). CEQA: Negative Declaration.
PDC 00-05-038 - District 1
(Continued from 9/5/00 – Item 15h and 9/19/00 – Item 15b)
Continued to 11/14/00.

- c. PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the west side of Boynton Avenue, approximately 100 feet northerly of Akron Way (525 Boynton Avenue), from R-1:B-2 Residence Zoning District to A(PD) Planned Development Zoning District, to allow up to five single-family attached residences on a 0.32 gross acre site (Shabnam Mahzoon, et al., Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval. Planning Commission recommends approval (7-0-0).
PDC 00-05-037 - District 1
(Continued from 9/19/00 – Item 15c)
Ordinance No. 26216 passed for publication.

- d. PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the west side of San Felipe Road, approximately 1000 feet south from the terminus of Yerba Buena and San Felipe Road, from A-Agricultural Zoning District to A(PD) Planned Development Zoning District, to allow up to 32 single-family detached residential units on a 9.6 gross acres. (George Ernest Nieman, Owner; Daniel J. Carroll, Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval. Planning Commission recommends approval (7-0-0).
PDC 00-05-036 - District 8
Ordinance No. 26217 passed for publication.
Council approved the subject rezoning with special conditions incorporated in the ordinance for final adoption on 10/31/00.

15 PUBLIC HEARINGS

- e. PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the south west corner of Coleman Avenue and West Hedding Street, from C-1 Commercial Zoning District to A(PD) Planned Development Zoning District, to allow a four-story, 51 room hotel on 0.46 gross acre. (George Nijmeh, Owner; Pinn Bros. Construction, Inc., Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval. Planning Commission recommends approval (7-0-0).
PDC 00-05-046 - District 3

Continued to 10/24/00 – To Be Heard in Afternoon.

16 CLOSED SESSION REPORT

17 ORAL COMMUNICATIONS

Approximately ten (10) individuals spoke on A.C.O.R.N. housing projects and allegations of police harassment. Lilia Valencia, A.C.O.R.N. representative, to submit organization's requests to Mayor's Office for consideration.

18 ADJOURNMENT

The Council of the City of San José adjourned at 7:50 p.m.